

Appl. No. 09/898,282
Amendment dated March 1, 2004
Reply to Office action of December 1, 2003
Docket No. 6169-186

IBM Docket No. BOC9-2000-0052

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of December 1, 2003 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In paragraph 1 of the Office Action, the drawings were objected to for not including labels for elements 100, 106, 110, 112, 114, 118, and 120 of FIG. 1, element 102 of FIG. 2, and element 300 of FIG. 3. The Applicants submit, herewith, proposed drawing corrections including labels for each of the enumerated elements. If the proposed drawing corrections are deemed acceptable, Applicants will submit replacement drawing sheets. Withdrawal of this objection is respectfully requested.

In paragraph 2, the abstract of the specification was objected to for minor informalities. The Applicant has amended the abstract as suggested. Accordingly, withdrawal of this objection is respectfully requested.

In paragraphs 3 and 4, claims 1-4, 12, 13, and 18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,230,138 to Everhart (Everhart). In paragraphs 5 and 6, claims 5-10, 14, 15, 17, and 19-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Everhart in view of U.S. Patent Number 6,539,087 to Walsh, *et al.* (Walsh). In paragraph 7, claims 11 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Everhart in view of U.S. Patent Number 6,535,513 to Kao, *et al.* (Kao).

In response, Applicants have enclosed an affidavit under 37 C.F.R. § 1.131 supporting the removal of Everhart as a reference. The affidavit is accompanied by a copy of the Applicants' confidential invention disclosure entitled "Speech Server Board". The confidential invention disclosure and affidavit demonstrate proof of conception for the claimed subject matter of the Applicants' invention at least as early as June 26, 2000, which predates the effective date of June 28, 2000, for Everhart.

The confidential invention disclosure references a document entitled "sb26jun" under question two. A copy of this document also has been provided. The document, although not provided to counsel until April 16, 2001, was in existence on or before June 26, 2000, as evidenced by question two of the confidential invention disclosure and linked document beneath.

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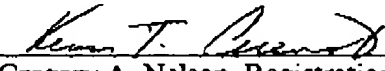
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Applicants further exercised due diligence from prior to the effective date of Everhart until July 3, 2001, the filing date of the instant application. The disclosure was received by counsel on September 28, 2000, at which time the disclosure was docketed for commencement of the patent application. A draft application was forwarded to the inventors on April 20, 2001. The Application was later filed on July 3, 2001. Accordingly, withdrawal of the 35 U.S.C. § 102(e) and § 103(a) rejections with respect to all claims is respectfully requested.

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: 3/1/04


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